

REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-8, 10-11, 13-22 and 24-41 are pending, with claims 1, 11, 17, 25-28, and 32 being the independent claims. The Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections. No new matter is added.

Office Communication Received

The Applicants acknowledge receipt of the office communication dated April 26, 2006, which included an interview summary form stating that the communication “is being sent as a courtesy to applicant indicating that the after final amendment filed 4/11/2006 has been received by the office.” The Applicants note that neither the Applicants nor Applicants’ representative participated in an interview with the Examiner on April 25, 2006.

Claim Rejections

Claims 1-4, 6-8, 10, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 878,810 to Letzkus (“Letzkus”) in view of U.S. Patent No. 408,635 to Sommer (“Sommer”) and further in view of U.S. Patent No. 6,485,349 to Snyder et al. (“Snyder”).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Letzkus in view of Sommer and further in view of Snyder and further in view of U.S. Patent No. 5,100,141 to Fitch (“Fitch”).

Claims 11, 13-22, 24-29, and 31-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitch or U.S. Patent No. 5,197,735 to Land et al. (“Land”) in view of Snyder.

Independent Claim 1 and its Dependent Claims

Independent claim 1 has been amended to recite “the body configured to resemble an animal.” None of Letzkus, Sommer or Snyder disclose or suggest such an apparatus alone or in combination. The Examiner asserts that the apparatus of Letzkus resembles a giraffe. The

Applicants strongly disagree with this assertion. Letzkus discloses an exercising apparatus having a chute with upper and lower openings in which a user lifts an object and inserts it into the upper opening. The user then retrieves the object from the lower opening and again lifts up and inserts the object into the upper opening. Such movement is meant to provide exercise to the user. The exercising apparatus of Letzkus is referred to a “box” and has a substantially rectangular shape. Thus, Letzkus is entirely silent as to resembling any type of animal shape, both in the description and in the figures. Similarly, Sommer and Snyder do not disclose or suggest an apparatus having a body configured to resemble an animal as recited in claim 1.

Accordingly, the Applicants respectfully submit that at least for this reason, claim 1 is patentable. Based at least upon their dependence from claim 1, claims 2-8, 10, 30, and 33-36 are also patentable.

Independent Claim 11 and its Dependent Claims

Independent claim 11 has been amended to recite a method including “receiving an object at an input aperture defined at a first end of a channel, the channel disposed within a body having a base configured to support the body on a surface, the base being disposed within a plane, the body configured to resemble an animal.” None of Fitch, Land nor Snyder, alone or in combination, disclose or suggest such a method. Fitch discloses a dice scrambler that includes a housing body that defines a vertical chute for directing dice from an upper entryway to a lower discharge opening. The dice scrambler of Fitch is described and illustrated as having a rectangular configuration and there is no disclosure or suggestion of a body configured to resemble an animal.

Land discloses a game piece randomizer having a tubular housing defining apertures for inserting obstruction pieces. A game piece can be passed through the housing and will traverse a path based on the insertion of the obstruction pieces. Land discloses the housing having various geometric shapes, such as rectangular, circular, octagon, etc., but does not disclose or suggest the housing being configured to resemble an animal. Snyder is also silent as to having a body configured to resemble an animal as recited in claim 11.

Accordingly, the Applicants respectfully submit that claim 11 is patentable. Based at least upon their dependence from claim 11, claims 13-16, and 37 are also patentable.

Independent Claim 17 and its Dependent Claims

Independent claim 17 has been amended to recite “the guiding structure configured to resemble an animal.” For similar reasons as stated above for claim 11, none of Fitch, Land or Snyder disclose or suggest such an apparatus.

Accordingly, the Applicants respectfully submit that claim 17 is patentable. Based at least upon their dependence from claim 17, claims 18-22, 24, 29, 31, and 38-41 are also patentable.

Independent Claim 25-28 and 32

Independent claims 25 and 26 have each been amended to recite an apparatus including “an outwardly opening door coupled to the body proximate the output aperture, the door configured to selectively retain an object deposited within the passage.”

Independent claim 27 has been amended to recite an apparatus including “an outwardly opening a door to selectively retain an object received within the channel.”

Independent claim 28 has been amended to recite an apparatus including “an outwardly opening door coupled to the guiding structure proximate the output, the door configured to selectively retain an object deposited within the guiding structure.”

Independent claim 32 has been amended to recite an apparatus including “an outwardly opening door coupled to the guiding structure and configured to selectively retain a toy block within the guiding structure.”

None of Fitch, Land or Snyder, alone or in combination, disclose or suggest such an apparatus. Although Fitch discloses a door 40, the door 40 is configured to be moved *inwardly* into the dice scrambler 10 and is used as a ramp for directing the dice through the discharge opening 20. Additionally, Land and Snyder are entirely silent as to a door.

Accordingly, the Applicants respectfully submit that at least for this reason, independent claims 25-28 and 32 are patentable. Based at least upon its dependence from claim 28, claim 29 is also patentable.

CONCLUSION

All of the stated grounds of rejection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.



Prompt and favorable consideration of this Amendment is respectfully requested.

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